

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

DERETHA MAE OMIOTEK,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-30669

ETHICON, INC., *et al.*,

Defendants.

**MEMORANADUM OPINION AND ORDER**

On November 2, 2020, I entered an order directing plaintiff to show cause on or before December 2, 2020, why her case should not be dismissed as to Ethicon, Inc. and Johnson & Johnson for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure.

Plaintiff has not responded to the Shown Cause Order. The court **ORDERS**, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure and after weighing the factors identified in *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), that defendants, Ethicon, Inc. and Johnson & Johnson, are dismissed without prejudice. No defendants remain, and the court **DIRECTS** the Clerk to dismiss the case and strike it from the active docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 3, 2020

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE